

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE MOSS

Petitioners,

v.

FEDERAL BUREAU OF PRISONS
WARDEN B. G. COMPTON,

Respondent.

Case No. C05-5800 FDB


ORDER ADOPTING
REPORT AND
RECOMMENDATION AND
DISMISSING PETITION
WITHOUT PREJUDICE

The Magistrate Judge recommends that this habeas petition be dismissed without prejudice for lack of *in personam* jurisdiction. The petition asserts that petitioner's sentence has not been properly credited for the amount of time spent in state jail. As detailed by the magistrate Judge, at the time of filing this petition, petitioner is in prison in Lompac, California. The Court lacks personal jurisdiction over the respondent, warden B. G. Compton. See, Dunn v. Henman, 875 F. 2d 244 (9th Cir. 1989). The Court having reviewed the Report and Recommendation of the Hon. Karen L. Strombom United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction over warden Compton.

- 1 (3) The clerk is directed to send copies of this Order to petitioner, counsel for respondent
2 and to the Hon. Karen L. Strombom.

3 DATED this 8th day of June, 2006.

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6 FRANKLIN D. BURGESS
7 UNITED STATES DISTRICT JUDGE
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